

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 1592/2016

Reserved on 30.10.2018  
Pronounced on 13.11.2018

**Hon'ble Mr. K.N.Shrivastava, Member (A)**  
**Hon'ble Mr. S.N. Terdal, Member (J)**

1. Mohit (Aged about 27 years)  
S/o Sh. Kailash Chanda Sharma,  
R/o V/P Thoi, Tehsil Shri Madopur,  
District Sikar (Rajasthan) 332719
  
  2. Navneet Kaushik (Aged about 25 years)  
S/o Sh. Veerendra Kumar Kaushik,  
R/o V/P Thoi, Tehsil Shri Madopur,  
District Sikar (Rajasthan) 332719
- .... Applicants

(By Advocate: Mr. S.N.Sharma)

**VERSUS**

1. GNCTD  
Through its Chief Secretary/Secretary,  
I.P.Estate, GNCTD, New Delhi.
  
  2. Chairman,  
DSSSB,  
FC-18, Institutional Area,  
Karkardooma, Delhi.
- ... Respondents

(By Advocate: Mrs. Alka Sharma )

**ORDER**

**Mr. S.N.Terdal, Member (J):**

We have heard Mr. S.N.Sharma, counsel for applicant and Mrs. Alka Sharma for Mrs. Alka Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In OA, the applicant has prayed for the following reliefs:
  - “(i) direct the respondents to consider the applicants for vacancies of 2013 and also if the applicants are eligible as per merit, for the Post Code 14/13 to appoint them.
  - (ii). direct the respondents in case of the applicants found eligible them to appoint the applicants on the post of TGT Sanskrit as the Post Code of 14/13 which the applicants were applied for with all consequential benefits.
  - (iii). Pass such other order / orders or issue such direction/ directions as may be deemed fit and proper in the interest of justice.”
  
3. The relevant facts of the case are that the applicants applied for the post of TGT (Sanskrit) against the Post Code 116/12 in response to the advertisement No. 2/2012 issued by the respondent No.2-DSSSB in 2012. In 2012 the procedure for making application was only paper based mode and not by online mode of submission of the application. The respondents (DSSSB) once again issued another advertisement in the year 2013 for the said posts of TGT (Sanskrit) with the Post Code 14/13. The applicants had applied for the said post in response to the advertisement of 2013. Thus, the applicants had applied in response to advertisement in 2012 as well as in response to the advertisement in 2013. The applicants were possessing the requisite essential qualification for the said post before 2010. To be more particular, applicant number 1, Shri Mohit had completed BA final year examination as on 22.06.2007 and applicant number 2 Sh. Navneet Kaushik had completed the BA final year as on 29.06.2010.
  
4. By a notice dated 24.10.2014 and 25.11.2014 the respondents-DSSSB introduced Online Application Registration System (OARS) and gave a public notice to all the candidates to apply online through their

OARS system. The applicants while filling up the Optical Mark Reader (OMR) application form on line they did not mark properly regarding they having requisite essential qualification by inadvertence. The respondents on the basis of said inadvertence in filling up the OMR application form with respect of requisite qualification as on the closing date, the candidature of the applicants was not considered. Though the marks obtained by them with respect to the examination conducted in furtherance of advertisement no 02/2012 was published. But, however, by the impugned rejection list (Annexure A-1) it was shown against their names that they were rejected from consideration for further selection process for not having requisite qualification as on the closing date.

5. The counsel for the applicant vehemently submitted that in view of the facts stated above, the applicants were having requisite qualification well before the closing date of even 2012 advertisement. He further submitted that a new system has coming into existence much after they submitted paper based application and that a common examination was held with respect to 2012 and 2013 advertisement and the marks obtained by the applicant was also declared by the respondents with respect to the advertisement of 2012, but, however, because of the inadvertence in filling up OMR form without examining the documents submitted by them they were rejected.

6. The counsel for the respondents vehemently submitted that there was clear instruction in the notices and on the website to the effect that any mistake in filling up of the OMR online application form,

would entail rejection and as such the respondents have rightly rejected the applicants.

7. We are of the opinion that in view of the fact that the process of recruitment in 2012 was paper based and the applicants were having the requisite qualification well before 2012 and that the respondents had introduced the online process only in 2014 and that it was a initial experimental stage of submission of application form online mode and even as on today because of the faulty working of the OARS system in not depicting payment of fees, in not allowing downloading of admit cards, many candidates are approaching the Tribunal and in view of the peculiar facts of this case, we are of the opinion that the rejection in not allowing uploading of e-dossiers etc. etc., requires to be set aside.

8. Accordingly, we allow the OA and set aside the rejection notice annexure A-1 in so far applicants are concerned and direct the respondents to treat the applicants as having requisite qualifications as on the closing date and the respondents are directed to give them all consequential benefits. No order as to costs.

**(S.N.Terdal)**  
**Member (J)**

**(K.N.Shrivastava)**  
**Member (A)**

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